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*S.P.R.*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/094,719    06/15/98    SLYNE    W    9991-06

024035

QM32/1122

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EXAMINER

VEREENE, K

ART UNIT

PAPER NUMBER

3729

DATE MAILED: 11/22/00

*#11*

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademark

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# Office Action Summary

Application No.  
**09/094,719**

Applicant(s)  
**Slyne**

Examiner  
**Kevin G. Vereene**

Group Art Unit  
**3729**



- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

- ☒ Claim(s) 1-30 is/are pending in the application.
- Of the above, claim(s) 8-20 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-7 and 21-30 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### **DETAILED ACTION**

1. The amendment filed on August 20, 2000 has been entered.

#### ***Election/Restriction***

2. Newly submitted claims 15-20 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: cutting a pool liner where as the elected invention is (claims 1-7) the method of cutting.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 8-14 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

#### ***Claim Rejections - 35 USC § 112***

3. Claims 21 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 21, line 2, the recitation "material advance" lack antecedent basis.

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***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Schmidt et al **4,932,932**.

Schmidt et al discloses the invention as claimed, including the steps of, unrolling the material “14” unto a rotating cylindrical cutting surface “18 or 19”, moving cutting means transversely “20 and 21” parallel across said cylindrical surface to cut said material, while rotating said cylindrical surface in one direction only, see column 3, lines 8-25 column 4, lines 8-32 and Figures 3b and 4, securing (superposed) said pieces together so to produce a pool liner, see column 3, lines 60-65.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt et al 4,932,932 in view of Seidl 6,022,442.

Schmidt et al discloses the invention substantially as cited above except for step of producing a vacuum. However, Seidl teaches the step of producing a vacuum, see column 4, lines 12-19. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Schmidt et al with the step of producing a vacuum as taught by Seidl in order to facilitate positioning web material.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt et al 4,932,932 in view of Seidl 6,022,442.

Schmidt et al in view of Seidl discloses the claimed invention except for step of driving said cylinder internally of said cylindrical surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the limitation since it was known in the art that one means of a of driving said cylinder internally of said cylindrical surface is by a shaft.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt et al 4,932,932 in view of Seidl 6,022,442.

Schmidt et al discloses the invention substantially as cited above, including a plurality of cutting means "9", see column 2, lines 57-64. It would have been obvious to one having ordinary

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skill in the art at the time the invention was made to provide Schmidt et al with the step of producing a vacuum as taught by Seidl in order to facilitate positioning web material.

10. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt et al 4,932,932 in view of Seidl 6,022,442 and in further view of Fara 5,105,702.

Schmidt et al in view of Seidl discloses the substantially as cited above except for the step of controlling each of said plurality of cutting means. However, Fara teaches the step of controlling each of said plurality of cutting means, see column 6, lines 17-19. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Schmidt et al in view of Seidl with the step of controlling each of said plurality of cutting means as taught by Fara in order to facilitate positioning a cutting device.

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt et al 4,932,932 in view of Seidl 6,022,442 and in further view of Fara 5,105,702 and in further view of Ozeki 5,086,607.

Schmidt et al in view of Seidl and in further view of Fara discloses the invention substantially as cited above except for the step of unwinding said material from a roll by air assist means. However, Ozeki teaches the step of unwinding said material from a roll by air assist means, see abstract lines 17-24, column 5, lines 9-12 and Figure 1. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Schmidt et al in

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view of Seidl and in further view of Fara with the step of producing a vacuum as taught by Ozeki in order to facilitate moving web material to the desired position.

12. Claims 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt et al 4,932,932 in view of Seidl 6,022,442.

Schmidt et al discloses the invention substantially as claimed, including the steps of, unrolling the material "14" unto a continuously rotating cylindrical cutting surface "18 and 19" (cutting support means), moving cutting means transversely "20 and 21" and overlapping parallel across said cylindrical surface to cut said material, while rotating said cylindrical surface in one direction only, see column 3, lines 8-25 column 4, lines 8-32 and Figures 3b and 4. Schmidt et al does not teach the step of producing a vacuum. However, Seidl teach the step of producing a vacuum, see column 4, lines 12-19. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Schmidt et al with the step of producing a vacuum as taught by Seidl in order to facilitate positioning web material.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin G. Vereene whose telephone number is (703) 305-7307. The examiner can normally be reached on Monday through Thursday from 7:00 to 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young, can be reached on (703) 308-2572. Papers may be faxed directly to Group 3700 at (703) 305-3579.

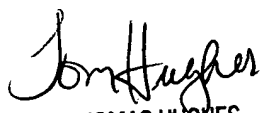
Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [Lee.Young@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

KGV K.G.✓

November 8, 2000

  
S. THOMAS HUGHES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700